

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 6:11cr00094-LED-JDL
	§	
BRYAN SCOTT MAYFIELD, JR.	§	

**REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On September 10, 2014, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant. The government was represented by James Noble, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Tonda Curry.

On March 28, 2012, Defendant was sentenced before U.S. District Judge Leonard E. Davis after pleading guilty to the offense of Possession of Counterfeited Obligations of the United States, a Class C felony. This offense carried a statutory maximum imprisonment term of not more than 20 years. The United States Sentencing Guideline range, based on a total offense level of 9 and a criminal history category of III, was 8 to 14 months. Defendant was sentenced to 8 months imprisonment and 3 years supervised release, plus special conditions to include the payment of financial restitution, financial disclosure, no new credit charges, no participation in gambling, and participation in drug treatment and testing. On January 18, 2013, Defendant completed the term of imprisonment and began his period of supervised release.

In pertinent part, under the terms of supervised release, Defendant was to: 1) refrain from excessive use of alcohol and was prohibited from purchasing, possessing, using, distributing or administering any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician; 2) pay any financial penalty that is imposed by

the judgment against him, and that remained unpaid at the commencement of the term of supervised release; 3) answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer; and 4) reside in a community corrections center or a community sanction center for a period of 180 days.

In its petition, the government alleges that Defendant violated the terms of supervised release when he: 1) submitted urine samples on April 11, 2014, and April 23, 2014 that tested positive for marijuana; 2) failed to pay restitution of \$60.00 for the month of May, 2014; 3) failed to be home for a scheduled home visit by his probation officer on March, 19, 2014; 4) failed to submit a Personal Financial Statement to his probation officer by March 10, 2014; and 5) left the community corrections center without permission from facility staff and did not return, according to a report received by the probation officer on May 20, 2014. Therefore, should the Court find by a preponderance of the evidence that Defendant violated the terms of his supervised release, Defendant will be guilty of committing a Grade C violation. U.S.S.G. § 7B1.3(a)(2) indicates that upon a finding of a Grade C violation, the Court may: 1) revoke probation or supervised release; or 2) extend the term of probation or supervised release and/or modify the conditions of supervision. Considering Defendant's criminal history category of III, the Guideline imprisonment range for a Grade C violation is 5 to 11 Months. U.S.S.G. § 7B1.4(a).

At the September 10, 2014 hearing, Defendant pled true to the allegations above. The government recommended that Defendant Bryan Scott Mayfield, Jr. be committed to the custody of the Bureau of Prisons for 4 Months and 16 days imprisonment with no supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, the Court **RECOMMENDS** that Defendant Bryan Scott Mayfield, Jr. be committed to the custody of the Bureau of Prisons for 4 Months and 16 days imprisonment with no supervised release to follow.

Defendant has waived his right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to U.S. District Judge Leonard Davis for adoption immediately upon issuance.

So ORDERED and SIGNED this 11th day of September, 2014.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE